

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE NORTHERN DISTRICT OF MISSISSIPPI**

IN THE MATTER OF:

CHAPTER 13 CASE NO.:

DOUGLAS EDWARD HOLLOWAY

18-13330-JDW

OBJECTION TO CONFIRMATION OF FIRST AMENDED PLAN

COMES NOW Locke D. Barkley, Chapter 13 Trustee, by and through counsel, and files this Objection to Confirmation of First Amended Plan (the "Objection") and in support states as follows:

1. The Debtor initiated this proceeding with the filing of a voluntary petition for relief on August 30, 2018. An amended Chapter 13 plan (Dkt. #23) (the "Plan") was filed on November 21, 2018.

2. The Debtor is above median income. The Plan is for a 60-month term, with a plan payment of \$1,760.00 per month, and provides for a distribution of 78% to nonpriority unsecured creditors.

3. In Section 4.5 of the Plan the Debtor proposes to maintain a continuing domestic support obligation ("DSO") and cure the related arrears. The provision provides that the continuing payments will begin in January 2019 and arrears will be paid through December 2018. The proposal by the Debtor includes four payments which first became due after the petition date.

4. The Debtor failed to pay all amounts due under the DSO which first became payable after the petition date. The Debtor has failed to meet the requirement of §1325(a)(8).

5. The Trustee requests that confirmation of the Plan be denied and the bankruptcy case dismissed.

WHEREFORE, PREMISES CONSIDERED, Locke D. Barkley, Chapter 13 Trustee, prays that upon notice and hearing that this Court enter its order sustaining the

Trustee's Objection and for such other relief to which the Trustee and this bankruptcy estate may be entitled.

Dated: December 10, 2018

Respectfully submitted,
LOCKE D. BARKLEY, TRUSTEE

BY: /s/ W. Jeffrey Collier
W. JEFFREY COLLIER, ESQ.
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CERTIFICATE OF SERVICE

I, the undersigned attorney for the Trustee, do hereby certify that I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, and I hereby certify that I either mailed by United States Postal Service, first class, postage prepaid, or electronically notified through the CM/ECF system, a copy of the above and foregoing to the Debtor, attorney for the Debtor, the United States Trustee, and other parties in interest, if any, as identified below.

Dated: December 10, 2018

/s/ W. Jeffrey Collier
W. JEFFREY COLLIER